REMARKS/ARGUMENTS

Claims 13-18 and 20-39 are currently pending in the application. Based on the following remarks, Applicant requests reconsideration and allowance of the claims.

I.   Rejection of Claims 13-18 and 20-39 Under 35 U.S.C. § 103(a)

Claims 13-18, and 20-39 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Roke Manor Research Limited (hereinafter "Roke Manor"; GB 2 349 548 A) in view of Red Fig Limited (hereinafter "Red Fig"; GB 2 344 491 A).

Claim 13 requires a client-server system comprises, *inter alia*, a client terminal and a remote server. The client terminal includes a portable radio communication device including a user interface and authentication means. The user interface comprises a plurality of user selectable menu applications and a browser application which operates to request *content*, which *comprises* validation data *and* other data, *stored at the server*. One or more of the menu applications has embedded therein, a sub-menu containing a user selectable direct download link comprising an address of the server. In response to a user selection of the direct download link from the sub-menu, the browser application controls the radio communication device to transmit a signal to connect to the server. The authentication means comprises a means for checking the validation data of the content downloaded from the server, and the remote server comprises means for *downloading the content* to the portable radio communication device *with the validation data* so as to be identifiable by the authentication means as originating from the server.

In rejecting claim 13, Applicant notes that the Examiner correctly concedes that Roke Manor does not teach or suggest all of the features of claim 13. However, the Examiner relies on Red Fig as compensating for the deficient teachings of claim 13. Applicant respectfully disagrees and submits that the combination of Roke Manor and Red Fig does not teach or suggest all of the features of claim 13. As pointed out in the Amendment filed July 19, 2006, Roke Manor merely discloses downloading of software to a mobile telecommunications device 16 from a digital broadcaster 14. In contrast to claim 13, and as pointed out in the Amendment

filed July 19, 2006, neither Roke Manor, nor Red Fig, either individually or in combination, teaches or suggests a client terminal comprising a user interface operable to request *content* which *comprises* validation data *and* other data stored *at a server*, as claimed. Additionally, neither Roke Manor, nor Red Fig, either individually or in combination, teaches or suggests an authentication means comprising a means for checking the validation data of the *content downloaded from the server*, as claimed.

In the response to arguments section of the Final Office Action, the Examiner suggests that the combination of Roke Manor and Red Fig "continues to read upon the claims." The Examiner posits that "[e]ven if 'validation data of the content' is received in a separate portion of [a] data exchange … it can be interpreted that the client terminal in Roke Manor is obtaining a 'content' stream" having "both the main 'content' and its 'validation data.'" (See pg. 5, section 3 of the Office Action)[1]

Despite the Examiner's assertions to the contrary, Applicant submits that the combination fails to teach or suggest content which comprises validation data and other data stored at the server. In rejecting claim 13, the Examiner has not clearly indicated exactly what corresponds to the claimed server. To the extent that the Examiner is suggesting that digital broadcaster 14 or alternatively the network operator 12 corresponds to the claimed server, the combination still does not teach or suggest all of the features of claim 13. Applicant points out to the Examiner that Roke Manor, at best, discloses that the software is broadcast to the device 16 from digital broadcaster 14. (pg. 4, lines 3-7) However, Roke Manor does not teach or suggest that the authentication code, disclosed therein, is broadcast to the device 16 by digital broadcaster 14. Instead, the combination of Roke Manor and Red Fig discloses that the network operator 12 transmits the authentication code to the device 16 of a subscriber via a GSM base station 18. (pg. 4, lines 12-15; pg. 6, lines 17-20; FIG. 1 of Roke Manor). The combination does not teach or suggest that the software and the authentication code are stored and downloaded from the same server, as required by claim 13. As such, Applicant submits that the combination of Roke

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[1] See also pg. 3, lines 8-10 of the Office Action.

Manor and Red Fig fails to teach or suggest at least "the client terminal comprises ... a user interface ... operable to request *content* which comprises *validation data* and *other data* stored at *the server*," as claimed. Given that the software is broadcast to the device 16 by digital broadcaster 14 and that the authentication code is subsequently sent to the device 16 by another entity, namely network operator 12 via base station 18, the combination of Roke Manor and Red Fig also fails to teach or suggest at least "the authentication means comprises means for checking the validation data of the content," which comprises validation data and other data, "*downloaded* from *the server*," as claimed. Applicant submits that the interrelationship of claim elements is simply not met by the combination.

Moreover, even assuming *arguendo* that the software and the authentication code are a content stream received in "<u>separate</u> portion[s] of [a] data exchange," as suggested by the Examiner (See pg. 5, section 3 of the Office Action), Applicant submits that the combination still does not teach or suggest all of the features of claim 13. For instance, Applicant points out that claim 13 requires, *inter alia*, requesting "content which comprises validation data and other data stored at the server," ... and an "authentication means comprises means for checking *the* validation data of *the* content *that is downloaded* from *the server*. The claim recitations allow the validation data and the other data of the content to be downloaded <u>together</u> from the <u>same</u> server. In contrast, the combination of Roke Manor and Red Fig sends the software <u>separately</u> and <u>at different instances</u>[2] from *different entities*, i.e., digital broadcaster 14 and network operator 12 to device 16, as discussed above. For at least the foregoing reasons, Applicant submits that the combination of Roke Manor and Red Fig are deficient and do not teach or suggest all of the features of claim 13 and its dependent claims 15, 16, 23, 25, 30 and 35.

Since claims 14, 17, 18 and 20 contain features that are analogous to, though not necessarily coextensive with, the features recited in claim 13, Applicant respectfully submits that claims 14 and 17 and their respective dependent claims 21, 22, 24, 26, 31, 36 and 27, 32 and 37

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[2] See pg. 9 of the Amendment filed July 19, 2006.

as well as independent claims 18 and 20 their respective dependent claims 28, 33, 38, and 29, 34, 39 are patentable at least for reasons analogous to those submitted for claim 13.

With further regard to claims 25-29, Applicant submits that claims 25-29 recite independently patentable subject matter. Contrary to the Examiner's general allegation, Roke Manor, at best, discloses that the subscriber of device 16 selects the service, e.g., software that he/she is interested in using and in response, the device listens for the software and when the software is detected the "software is downloaded and installed" on the device 16. Subsequently, the subscriber may request the authentication code from the network operator to enable the software previously installed on the device 16. (pg. 6, lines 11-17 & pg. 4, lines 10-15 of Roke Manor) Nowhere in the combination is there any teaching or suggestion that the authentication code identifies the network operator or a server. The combination is altogether silent regarding the nature of the information pertaining to the authentication code. The authentication code could simply be a key to enable the software without specifying any information identifying a server or the network operator 12. Further, since the software is installed on the device 16 prior to being enabled by the authentication code, the combination does not teach or suggest that the authentication code (i.e., alleged validation data) indicates to the authentication means whether the software and the authentication code (alleged content) is accepted by the device 16, as claimed.

For at least the foregoing reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 25-29 for the additional reasons discussed above.

Regarding claims 30-34, Applicant submits that claims 30-34 recite independently patentable subject matter. As noted above, since Roke Manor describes that the software is installed on device 16 and is subsequently enabled by the authentication code, Applicant submits that the combination fails to teach or suggest that the software is rejected by the authentication means if the authentication means determines from the authentication code (i.e., alleged validation data) that the authentication code and software (alleged content) did not originate from the server, as required by dependent claims 30-34. The software of Roke Manor is not rejected

by the device 16 since it is installed on device 16 before being enabled by the authentication code. Nowhere in the combination is there any teaching or suggestion that the authentication code identifies whether the software and the authentication code (alleged content) did not originate from the network operator or the same server, as claimed. For at least these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 30-34.

Concerning claims 35-39, Applicant submits that claims 35-39 recite independently patentable subject matter. Given that Roke Manor describes that the software is installed on device 16 <u>prior to</u> being enabled by the authentication code, as described above, Applicant submits that the combination is incapable of teaching or suggesting that the content is *installed* on the device 16 *after* the content is *validated* by the authentication means as originating from the server, as required by claims 35-39. Roke Manor, at best, discloses that the software is installed on the device 16, and may subsequently be enabled. As such, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 35-39 for the additional reasons discussed above.
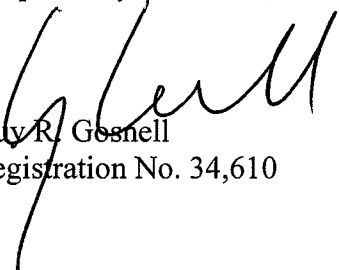
II.   Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Bayerl is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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